



Ohio Litigation and Advocacy Summary

Litigation

Current

On November 26, PFAWF filed a lawsuit challenging arbitrary rules leading to the rejection of thousands of provisional ballots in Cuyahoga County, Ohio. We most recently filed a motion for expedited action in order to encourage the court to quickly issue a decision allowing for the recount of currently disqualified provisional ballots. It is our belief that these provisional ballots should be counted in the current recount, and may possibly be the determining factors in at least 3 elections where the margin of victory is less than the number of disqualified provisional ballots.

Future

PFAWF is actively exploring litigation in a number of areas:

- Absentee ballot problems
- Failure to provide access or assistance to voters with disabilities
- Problems in casting and counting of provisional ballots
- Long lines in minority communities

Legal Advocacy

Current

- The third week of November, PFAWF filed a Freedom of Information Act request to the Ohio County Board of Elections requesting copies of all voter registration lists and actual vote counts where there are discrepancies between the total number of registered voters and votes cast on Election Day.

Pre-Election

EP legal advocacy efforts resulted in the issuance of the following directives by the Ohio Secretary of State Kenneth Blackwell:

- Reversal of a state directive to county boards of elections to accept voter registration applications if the eligible voter did not check a simple box on the application

- *PFAWF and other members of the Ohio Voter Protection Coalition sent a letter to the Ohio Secretary of State Kenneth Blackwell threatening a lawsuit over the processing of voter registration applications. Ultimately, the state directive was issued.*
- The issuance of state instructions to county boards of elections to provide regular ballots to first-time voters who did not provide identification before voting in-person on Election Day if they could provide it then or give the last four digits of their social security number.
 - *PFAWF was one of the plaintiffs in this lawsuit.*
- Reversal of a state policy to refuse to allow voters who requested absentee ballots, including many who never received those ballots, to cast a provisional ballot at their polling place. In addition to violating the Help America Vote Act, this policy was particularly nefarious considering that many counties across the state were unable to send absentee ballots to voters in time for those ballots to be cast and counted.
 - *Members of the Election Protection coalition filed suit against Secretary Blackwell and the Ohio County Board of Elections challenging the directive prior to the November election.*
- Reversal of a state directive by Ohio Secretary of State Kenneth Blackwell's that registration applications be printed on 80-pound paper.
 - *PFAWF called on Secretary Blackwell to reverse the directive.*
- Election Protection was instrumental in successfully combating approximately 35,000 challenges to validly registered voters before Election Day. In addition to challenging pre-Election Day challengers, Election Protection objected to a directive of the Ohio Secretary of State requiring election officials to allow multiple partisan challengers in the polling place with mixed results.
 - *PFAWF assisted in providing plaintiffs for this lawsuit.*

Public Hearings

PFAWF participated in and helped organize three public hearings in Columbus and Cleveland, Ohio on November 13th, 15th, and 19th. These hearing helped gather additional information on inequities, irregularities, and voter suppression efforts. The hearings will add to the documentation of voting problems, showcase the personal stories of people who are disenfranchised, and help keep the issue before the public.